

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO RULE
OF CIVIL PROCEDURE (I.R.C.P.) 83(a)

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ORDER AMENDING
RULE

The Court having reviewed a recommendation to amend Idaho Rules of Civil Procedure 83(a), and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Rules of Civil Procedure 83(a), as it appears in the volume published by the Idaho Code Commission, be, and is hereby, amended as follows:

Rule 83(a). Appeals from decisions of magistrates.

An appeal from any final judgment, as defined in Rule 54(a) of the Idaho Rules of Civil Procedure granting or denying a petition for termination of parental rights or granting or denying a petition for adoption must be taken to the Supreme Court in accord with Idaho Appellate Rule 11.1. Otherwise, absent an order allowing a permissive appeal pursuant to Idaho Appellate Rule 12.1, an appeal must first be taken to the district judges division of the district court from any of the following judgments or orders rendered by a magistrate:

- (1) A final judgment in a civil action or a special proceeding commenced, or assigned to, the magistrate's division of the district court.
- (2) Any of the judgments or orders in an action in the magistrate's division which would be appealable from the district court to the Supreme Court under Rule 11 of the Idaho Appellate Rules.
- (3) Domestic Violence Protection Orders issued pursuant to I.C. § 39-6306.
- (4) Final ~~orders~~ judgments entered upon current forms approved by the Idaho Supreme Court.
- (5) Interlocutory orders by permissive appeal accepted by the district court which shall be processed in the same manner as provided by Rule 12 of the Idaho Appellate Rules.

(6) Any order, judgment or decree by a magistrate in a special proceeding for which an appeal is provided by statute.

Provided, however, that whenever an attorney magistrate is assigned by an order issued pursuant to Rule 82(c)(4) or Rule 82(c)(5) to hear any action which may otherwise be tried only by a district judge, any appeal taken from a judgment of such magistrate acting under such order shall be made to the Supreme Court of Idaho, unless otherwise provided by the original order of assignment.

IT IS FURTHER ORDERED, that this order and these amendments shall be effective April 15, 2015.

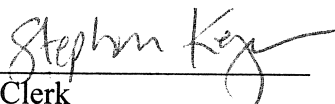
IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Rules of Civil Procedure.

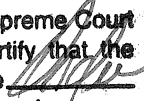
IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

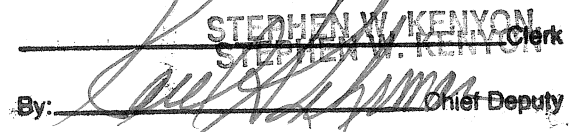

DATED this 2 day of April, 2015.

By Order of the Supreme Court


Daniel T. Eismann, Vice Chief Justice

ATTEST: 
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the  entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 4-2-15


STEPHEN W. KENYON, Clerk
By:  Chief Deputy